

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK  
OFFICE (MODIFIED)

ATTORNEY'S DOCKET NUMBER

X-15457

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)

10/500829

INTERNATIONAL APPLICATION NO.  
PCT/US03/00018INTERNATIONAL FILING DATE  
13 January 2003 (13.01.2003)PRIORITY DATE CLAIMED  
24 January 2002 (24.01.2002)TITLE OF INVENTION: **PROCESS FOR PREPARING AN INTERMEDIATE USEFUL FOR THE  
ASYMMETRIC SYNTHESIS OF DULOXETINE**APPLICANT(S) FOR DO/EO/US: **Alfio Borghese**

Applicant herewith submits to the U.S. Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A declaration of the inventors 35 U.S.C. 371(c)(4) was provided in the PCT Request Form.
11. ☒ A copy of the International Preliminary Examination Report (IPER), including any annexes, and, if not in English, an English language translation of the annexes to the IPER under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 12. to 18. below concern document(s) or information included:**

12. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☒ Assignment has been recorded at reel 012702, frame 0112.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A Sequence Listing, 1.821 Statement, and diskette.
18. ☐ A change of power of attorney and/or address letter.
18. ☒ Other items or information:  
Please amend the first page of the specification by inserting the following cross-reference after the title:  
**"This is the national phase application, under 35 USC 371, for PCT/US03/00018, filed 13 January 2003, which claims the benefit, under 35 USC 119(e), of US provisional application 60/351,622, filed 24 January 2002."**

U.S. APPLICATION NO. (if known, see 37 CFR 1.53) <div style="font-size: 2em; font-weight: bold; margin-top: 5px;">107500829</div>		INTERNATIONAL APPLICATION NO. <div style="font-weight: bold; margin-top: 5px;">PCT/US03/00018</div>		ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold; margin-top: 5px;">X-15457</div>	
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19. <input checked="" type="checkbox"/> The following fees are submitted:  <div style="margin-top: 10px;"> <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b>            Neither international preliminary examination fee (37 CFR 1.482)            nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO            and International Search Report not prepared by the EPO or JPO.     <b>\$1080.00</b> </div> <div style="margin-top: 10px;">           International preliminary examination fee (37 CFR 1.482) not paid to USPTO            but International Search Report prepared by the EPO or JPO .....     <b>\$920.00</b> </div> <div style="margin-top: 10px;">           International preliminary examination fee (37 CFR 1.482) not paid to USPTO but            international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....     <b>\$770.00</b> </div> <div style="margin-top: 10px;">           International preliminary examination fee paid to USPTO (37 CFR 1.482)            but all claims did not satisfy provisions of PCT Article 33(1)-(4) .....     <b>\$730.00</b> </div> <div style="margin-top: 10px;">           International preliminary examination fee paid to USPTO (37 CFR            1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... <b>\$100.00</b> </div> <div style="text-align: right; margin-top: 20px;"> <b>ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 920.00</b> </div> <div style="margin-top: 5px;">           Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <u>  20  </u> <u>  30  </u>            months from the earliest claimed priority date (37 CFR 1.492(e)).     \$         </div> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 5px;"> <tr> <th style="width:20%;">CLAIMS</th> <th style="width:20%;">NUMBER FILED</th> <th style="width:20%;">NUMBER EXTRA</th> <th style="width:20%;">RATE</th> <th style="width:20%;"></th> </tr> <tr> <td>Total claims</td> <td>10 -20=</td> <td>0</td> <td>X \$18.00</td> <td>\$</td> </tr> <tr> <td>Independent claims</td> <td>1 -3=</td> <td>0</td> <td>X \$86.00</td> <td>\$</td> </tr> </table> <div style="margin-top: 5px;">           MULTIPLE DEPENDENT CLAIM(S) (if applicable)     + \$290.00     \$ <b>290.00</b> </div> <div style="text-align: right; margin-top: 5px;"> <b>TOTAL OF ABOVE CALCULATIONS = \$ 290.00</b> </div> <div style="margin-top: 5px;">           Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity            Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).     \$         </div> <div style="text-align: right; margin-top: 5px;"> <b>SUBTOTAL = \$ 1,210.00</b> </div> <div style="margin-top: 5px;">           Processing fee of <b>\$130.00</b> for furnishing English translation later than <u>  20  </u> <u>  30  </u>            months from the earliest claimed priority date (37 CFR 1.492(f)).     \$         </div> <div style="text-align: right; margin-top: 5px;"> <b>TOTAL NATIONAL FEE = \$ 1,210.00</b> </div> <div style="margin-top: 5px;">           Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be            accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).  <div style="text-align: right;">\$40.00 per property</div>           +         </div> <div style="text-align: right; margin-top: 5px;"> <b>TOTAL FEES ENCLOSED = \$ 1,210.00</b> </div> <table border="1" style="width:100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width:60%;"></td> <td style="width:20%; text-align: center;">Amount to be refunded</td> <td style="width:20%; text-align: center;">\$</td> </tr> <tr> <td></td> <td style="text-align: center;">charged</td> <td style="text-align: center;">\$</td> </tr> </table>	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		Total claims	10 -20=	0	X \$18.00	\$	Independent claims	1 -3=	0	X \$86.00	\$		Amount to be refunded	\$		charged	\$	<div style="text-align: center; font-weight: bold; margin-top: 20px;">             CALCULATIONS    PTO USE ONLY           </div>
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Total claims	10 -20=	0	X \$18.00	\$																		
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	Amount to be refunded	\$																				
	charged	\$																				

  

a. <input type="checkbox"/>	A check in the amount of \$_____ to cover the above fees is enclosed.
b. <input checked="" type="checkbox"/>	Please charge my Deposit Account No. 05-0840 in the amount of <b>\$1,210.00</b> to cover the above fees. A duplicate copy of this sheet is enclosed.
c. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 05-0840. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

<b>SEND ALL CORRESPONDENCE TO:</b> <b>ELI LILLY AND COMPANY</b> PATENT DIVISION P.O. BOX 6288 INDIANAPOLIS, INDIANA 46206-6288  <div style="text-align: center; font-size: 1.5em; font-weight: bold;">7/6/04</div> <div style="text-align: center;">DATE</div> <div style="text-align: center; margin-top: 10px;">45,263</div> <div style="text-align: center;">REGISTRATION NUMBER</div>	<div style="font-size: 1.5em; font-weight: bold; margin-bottom: 10px;">SIGNATURE</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 10px;">Arvie J. Anderson</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 10px;">NAME</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 10px;">(317) 277-7217</div> <div style="font-size: 1.2em; font-weight: bold; margin-bottom: 10px;">TELEPHONE NUMBER</div>	<div style="font-size: 1.5em; font-weight: bold; margin-bottom: 10px;">25885</div> <div style="font-size: 0.8em; font-weight: bold; margin-bottom: 10px;">PATENT TRADEMARK OFFICE</div>
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IN THE UNITED STATES RECEIVING OFFICE (USRO)

10/500829  
DT04 Rec'd PCT/PTO 07 JUL 2004

Applicant(s): **Alfio Borghese**

International Application No.: **PCT/US03/00018**

Filed: **13 January 2003 (13.01.2003)**

Invention: **PROCESS FOR PREPARING AN INTERMEDIATE USEFUL FOR  
THE ASYMMETRIC SYNTHESIS OF DULOXETINE**

Lilly Reference: **X-15457**

Earliest Priority Date: **24 January 2002 (24.01.2002)**

**Certificate Under 37 C.F.R. § 1.10**

Attention: DO/EO

Mail Stop PCT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir/Madam:

"Express Mail" mailing label number: EV392094614US

Date of Deposit: 07 July 2004

I hereby certify that the following attached paper or fee

Transmittal Letter to the United States Designated/Elected Office (US) concerning a filing under 35 U.S.C. 371 of the International Application identified above is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

QUEEN Thomas  
(Typed or printed name of person mailing paper)

Queen Thomas  
(Signature of person mailing paper or fee)